COASTAL HABITAT PROTECTION PLAN PROGRAM

2005 - 2006

ANNUAL REPORT

TO THE

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

AND

ENVIRONMENTAL REVIEW COMMISSION

OF THE

NORTH CAROLINA GENERAL ASSEMBLY

FROM

NORTH CAROLINA MARINE FISHERIES COMMISSION,
NORTH CAROLINA COASTAL RESOURCES COMMISSION, AND
NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION
AND
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

September 2006

Highlights

September 2005 – August 2006 Accomplishments

- The Department of Environment and Natural Resources (DENR) allocated a position with primary responsibility for coordinating implementation of the Coastal Habitat Protection Plan (CHPP). The position of Eastern Region Field Officer was filled in January of 2006.
- The Intercommission Review Committee (IRC) officially changed its name in December of 2005 to the CHPP Steering Committee. The primary function of this committee is now to facilitate communication among the commissions, staff of the three primary divisions charged with implementing the CHPP, and DENR.
- Elizabeth City State University continued its federally funded work to support the CHPP Program. Mapping of sea grass in the Albemarle-Pamlico system is the primary task for this work.
- The Marine Fisheries Commission and the Division of Marine Fisheries (MFC/DMF):
 - o Enhanced three existing oyster reef sanctuaries, one with mitigation money from NC DOT and established two new oyster reef sanctuaries the Bluff Point and Neuse River sanctuaries
 - Continued to develop guidelines for identification, delineation, and management of Strategic Habitat Areas
 - Closed 36,940 acres to the mechanical harvest of shellfish in order to further protect shallow water fish habitat
 - Established an agreement under which Marine Fisheries aircraft regularly take Coastal Management personnel aloft to survey the status of coastal development projects,
 - o Closed over 4,000 acres in Core Sound to mechanical shellfishing to protect SAV habitat
 - Requested that the Environmental Management Commission begin actions to control effects of coastal stormwater pollution in shellfish waters
- The Coastal Resources Commission and the Division of Coastal Management (CRC/DCM):
 - Developed and received public comment on proposed rules that define beach nourishment sediment compatibility utilizing guidelines developed and recommended by the Commission's Science Panel on Coastal Hazards
 - o Enhanced habitat education through the "Estuary Live" web-based learning program and added new displays at public meetings
 - Obtained a new partial set of coastal aerial photographs to aid in permit management and mapping of coastal fish habitats
- The Environmental Management Commission and the Division of Water Quality (EMC/DWQ):
 - Conducted on-site inspections for all coastal state stormwater permits up for renewal in 2005-2006
 - o Included special provisions in the Phase II Stormwater Rules that will provide an enhanced level of protection for shellfishing waters in Phase II communities
 - o Completed a survey of all non Phase II municipally-owned stormwater outfalls to salt waters
 - Procured, via an EPA Grant, 3 additional staff members that will be tasked to perform technical assistance and compliance inspections of wetlands certifications and stormwater permits in areas covered under the CHPP.
- Public outreach efforts continued with talks on the CHPP at various local government, state and federal agency, and interest group meetings, as well as an enhanced web site at (http://www.ncdmf.net/habitat/index.html) that includes the following:
 - o North Carolina Coastal Habitat Protection Plan
 - o CHPP Implementation Plan for all three regulatory Commissions, their administrative agencies (Divisions of Water Quality, Coastal Management, and Marine Fisheries), and DENR
 - o Report on research needs identified in the CHPP

- Hosting of the web site was moved from Marine Fisheries to DENR in the Office of Conservation and Community Affairs
- The University of North Carolina Sea Grant College Program, under a grant from the Division of Coastal Management, managed a multi-agency project to address management issues associated with siting and operation of multi-slip docking facilities in coastal waters
- There were productive quarterly meetings among the state and federal permitting and review agencies that manage development in the coastal area at the Washington and Wilmington DENR offices
- The General Assembly funded several CHPP implementation initiatives:
 - o Three positions and operations for DMF oyster sanctuaries and shell recycling
 - o Five positions and operations for DMF shell bottom and SAV mapping
 - o Four positions and operations for DCM permit compliance review
 - o Three positions and operations for DEH shellfish sanitation shoreline surveys
 - o Funding to begin development of a coastal beach and inlet management plan
 - o Funding to begin removal/retrofitting of municipal stormwater outfalls to coastal waters
 - Funding for continuation of cooperative university-DOT water quality monitoring in Pamlico Sound through the FERRYMON program

September 2006 – August 2007 Planned Actions

- The Marine Fisheries Commission and Division of Marine Fisheries will
 - Expand the oyster sanctuary program in Pamlico Sound, including biological monitoring of planted sites
 - o Expand shell bottom mapping to the lower Cape Fear River and Brunswick County
 - o Participate with other agencies in coast wide mapping of submerged aquatic vegetation (SAV)
 - o Adopt and begin using the Strategic Habitat Area identification/selection process
- The Coastal Resources Commission and Division of Coastal Management will
 - o Begin development of, in cooperation with the Division of Water Resources and other agencies, a coastal beach and inlet management plan
 - o Enhance compliance monitoring of permitted projects in the coastal area
- The Environmental Management Commission and Division of Water Quality will:
 - Develop improved compliance and renewal strategies for the coastal stormwater permitting program that will include education and outreach, on-site permit compliance evaluations, and standard permit renewal procedures
 - o Reduce negative effects of coastal stormwater pollution through implementation of Phase II stormwater rules (as revised by the North Carolina General Assembly) and other initiatives
 - Assess cumulative but unmitigated wetland and stream losses in the Cape Fear and White Oak River basins, and based on analysis, determine if additional controls are needed
 - Review existing coastal stormwater programs and development trends to determine if additional coastal areas need to be considered for designation by the EMC as EPA Phase II Stormwater areas or if rulemaking action needs to be initiated to revise the existing State and Shellfishing Waters Stormwater Rules
 - Complete the update of the Division of Water Quality's Stormwater Best Management Practices Manual
- The Department of Environment and Natural Resources through other divisions will
 - o Enhance shoreline sanitary surveys to identify specific pollution sources (DEH)
 - Utilize new funding to begin development of a coastal beach and inlet management plan (DCM and DWR)
 - The Albemarle-Pamlico National Estuary Program will provide funding for cooperative SAV mapping in the coastal area

Introduction

Fisheries Reform Act

The North Carolina General Assembly established the Coastal Habitat Protection Plan program within the North Carolina Department of Environment and Natural Resources (DENR) with passage of the Fisheries Reform Act of 1997. The Act (General Statute or G.S. 143B-279.8) requires preparation of Coastal Habitat Protection Plans (CHPPs) for critical fisheries habitats in the coastal area. The Act states "[t]he goal of the Plans shall be the long-term enhancement of coastal fisheries associated with each coastal habitat." Within DENR, the Divisions of Marine Fisheries, Water Quality, and Coastal Management are designated as the lead agencies for implementing the CHPP program. Many other DENR agencies also participate in CHPP work. By law the CHPP includes:

- 1. A description of fisheries habitats and their biological systems;
- 2. An evaluation of the functions, fisheries' values, status, and trends within the habitats:
- 3. Identification of existing and potential threats to the habitats and impacts of those threats on coastal fishing; and
- 4. Recommended actions to protect and restore the habitats.

Role of the Commissions

The Coastal Resources, Environmental Management, and Marine Fisheries commissions adopted the CHPP in December of 2004. Now that the CHPP has been adopted, along with implementation plans which were adopted by each commission in June and July 2005 (see Implementing the North Carolina Coastal Habitat Protection Plan 2005), rule making and policy actions taken by all three commissions are to comply "to the maximum extent practicable" with the plan.

The three commissions are to report by 1 September each year to the Joint Legislative Commission on Seafood and Aquaculture and the Environmental Review Commission on their progress in implementing the Coastal Habitat Protection Plan. This document reports on the progress made, by the respective commissions, in implementing the CHPP during year beginning in September 2005 and ending in August 2006.

Recent Progress

North Carolina Coastal Habitat Protection Plan (CHPP)

The CHPP focuses on six basic fish habitat: water column, shell bottom, submerged aquatic vegetation (SAV), wetlands, soft bottoms, and ocean hard bottom. A chapter is devoted to each type. Each of the habitat chapters is organized to provide the information specified in the Act:

- Description and distribution of the habitat,
- Ecological role and function,
- Status and trends,
- Threats, and
- Recommended management actions to deal with the threats.

The CHPP describes the functions of habitats necessary for production of economically important fish stocks and the links between those habitats and various life history stages of the fish. The CHPP also discusses the various types of threats to the habitats upon which productive coastal fisheries depend.

Moreover, the plan summarizes the institutional structures for management of fisheries habitat, adjacent lands, water quality, and fisheries in eastern North Carolina. Finally, the plan includes 19 management recommendations for the Coastal Resources, Environmental Management, and Marine Fisheries Commissions, DENR (primarily the divisions of Water Quality, Coastal Management, and Marine Fisheries), and others to implement in order to address the identified threats.

Attachment 1 lists the current members of the CHPP Steering Committee.

Administration, Products, and Public Outreach

Administrative Activities

After the CHPP was formally adopted in December of 2004, the commissions, their administrative divisions, and DENR also developed and adopted implementation plans during the summer of 2005. These implementation plans detail more than 100 specific steps they would take during the 2005/06 - 2006/07 fiscal years to implement the CHPP recommendations. The draft and approved implementation plans were placed on the CHPP web site to facilitate public review.

The CHPP also identified more than 90 research needs. The CHPP Team summarized those needs in a report placed on the CHPP web site and distributed to the academic, and state and federal agency research community. These research needs continue to be a vital component of the CHPP and its implementation.

The CHPP Steering Committee, comprised of two members each from the Environmental Management, Coastal Resources, and Marine Fisheries commissions, continues to be very active role in the CHPP implementation process. Members of the Steering Committee meet quarterly with senior DENR officials and technical staff from DENR divisions and the Wildlife Resources Commission (CHPP Team) to discuss CHPP related topics and exchange information regarding CHPP implementation activities of the respective commissions and divisions.

The DENR assigned its Eastern Region Field Officer as the coordinator for CHPP implementation. This person is strategically housed in the DENR Office of Conservation and Community Affairs, which also include the Albemarle-Pamlico National Estuary Program (APNEP) and the One North Carolina Naturally program, both of which focus heavily on improved management of important habitats, including the coastal area.

The CHPP Coordinator and the CHPP Team members participate in relevant meetings and give numerous CHPP presentations at various gatherings concerning coastal issues: DENR and its agencies, the Commissions, Coastal Resources Advisory Council, North Carolina Sea Grant Program, APNEP, Outer Banks Association of Realtors, The Nature Conservancy, the Coastal Caucus, the North Carolina Coastal Federation, local governments, and several local civic clubs and groups with environmental concerns.

Products

The CHPP program published, in the fall of 2005, the booklet *Implementing the North Carolina Coastal Habitat Protection Plan 2005* to provide an easy-to-understand version of the CHPP Implementation Plan. In the summer of 2006, DENR released a series of three posters focused on the theme "Home is where the habitat is" The posters feature SAV and shell bottom habitats, and habitat use by fish.

Public Outreach

The DCM scheduled its Fall 2005 *Estuary Live* program around the CHPP and habitat functions. Unfortunately, Hurricane Ophelia caused cancellation of the program. The DCM presented the live, interactive program in May 2006 to a school audience of thousands of students in North Carolina and elsewhere.

The CHPP poster was updated and used at several meetings concerned with coastal habitat, such as the three North Carolina Oyster Summit programs in March 2006. CHPP Team members gave talks at meetings of the NC Sedimentation Control Commission; the boards of directors of the Clean Water Management Trust Fund, the Natural Heritage Trust Fund, and the Parks and Recreation Trust Fund; and the annual meeting of the NC Beach, Inlet, and Waterway Association in November 2005.

Specific Implementation of the CHPP Implementation Plan

Numerous specific actions have been accomplished or are underway. All three commissions and their DENR agencies are active in using the CHPP and its recommendations as guidance in their regulatory and operational programs. Attachment 2 lists the overall CHPP Implementation Plan, and activities and accomplishments for each of the three Commissions, their administrative divisions, and DENR relative to that plan.

Other Accomplishments

With assistance from the divisions of Coastal Management and Marine Fisheries, as well as the Albemarle-Pamlico National Estuary Program, Elizabeth City State University (ECSU) continued to operate a remote sensing program and laboratory. Much of the justification for the grant was based on the need to obtain and analyze remotely sensed data (including satellite imagery and aerial photography) to aid in preparation of the CHPP. Under this program, ECSU staff is mapping sea grass beds in northeastern North Carolina, including Currituck Sound and Back Bay, Kitty Hawk Bay, and portions of Albemarle Sound.

ATTACHMENT 1.

CHPP STEERING COMMITTEE MEMBERS, 2005 – 2006

Marine Fisheries Commission

Dr. Barbara Garrity-Blake	Gloucester	252-729-8021
Dr. B. J. Copeland	Pittsboro	919-837-5024
Environmental Management Commission		
Dr. Charles H. Peterson	Morehead City	252-726-6841
Mr. Tom Ellis	Raleigh	919-872-0897

Coastal Resources Commission

Dr. Courtney Hackney Wilmington 910-962-3759 Mr. Bob Emory New Bern 252-633-7417

ATTACHMENT 2.

NORTH CAROLINA COASTAL HABITAT PROTECTION PLAN GOALS AND IMPLEMENTATION RESULTS

North Carolina has a number of programs in place to manage coastal fisheries and the natural resources that support them. The Coastal Habitat Protection Plan (CHPP) has identified gaps in the protection provided for important fish habitats under these programs, and also notes that these habitats would benefit from stronger enforcement of existing rules and better coordination among agencies. The focus of the CHPP, per the Fisheries Reform Act of 1997, is on activities regulated by the Marine Fisheries, Coastal Resources and Environmental Management Commissions. In 2005, each commission and the Department of Environment and Natural Resources (DENR) adopted plans to implement the recommendations found in the CHPP, with a focus on actions that could be taken based on existing resources and within the 2005-2007 budget cycle. Some actions are completed. Some are underway, and most will be completed before the update of this plan in 2010. There is also an understanding among agencies that all recommendations and their associated actions will be supported regardless of lead agency. Listed in this attachment are some of the completed recommendations as well as those which will be completed within the year.

Department of Environment and Natural Resources

DENR is the lead stewardship agency for the preservation and protection of North Carolina' outstanding natural resources. The organization, which has offices from the mountains to the coast, administers regulatory programs designed to protect air quality, water quality, and the public's health. Through its natural resource divisions, DENR works to protect fish, wildlife and wilderness areas. The DENR implementation plan focuses on coordination among the Commissions and the Department, as well as ensuring that all DENR Divisions are taking actions consistent with the goals and recommendations of the CHPP.

Marine Fisheries Commission and Division of Marine Fisheries

The Marine Fisheries Commission (MFC) and Division of Marine Fisheries (DMF) manage the commercial and recreational fisheries in North Carolina's estuarine and ocean waters. These waters, including their specific physical habitats (water column, wetlands, sea grasses, soft and hard bottoms, and shell bottoms), produce the finfish, shrimp, crabs, oysters, and other economically important species sought by fishermen, as well as the forage base that supports them. The Division implements the Commission's rules and Department initiatives. The Division's mission is to ensure sustainable marine and estuarine fisheries for the benefit of the people of North Carolina. Division staff drafted the CHPP, and they will staff many of the groups working on implementation actions. Staff in DMF district offices will also utilize CHPP information to review potential impacts of coastal development projects.

Environmental Management Commission and Division of Water Quality

The Environmental Management Commission (EMC) is responsible for adopting rules for the protection, preservation and enhancement of the State's air and water resources. The Commission oversees and adopts rules for several divisions of DENR, including the Divisions of Air Quality, Water Resources, and Water Quality. The goal of the Division of Water Quality (DWQ) is to maintain or restore and improve the aquatic environment and to ensure compliance with state and federal water quality

standards. In coordination with the CRC and MFC, and their respective staffs, the EMC and DWQ have developed specific actions to begin implementation of the CHPP recommendations.

Coastal Resources Commission and Division of Coastal Management

The Coastal Resources Commission (CRC) establishes policies for North Carolina's Coastal Management Program and adopts implementing rules for both the N.C. Coastal Area Management Act (CAMA) and the N.C. Dredge and Fill Law. The commission designates areas of environmental concern, adopts rules and policies for coastal development within those areas, and certifies local land-use plans. The Division of Coastal Management (DCM) serves as staff to the CRC and works to protect, conserve, and manage North Carolina's coastal resources through an integrated program of planning, permitting, education and research. With jurisdictional authority at the interface of many of the habitats identified in the CHPP, the CRC and DCM take actions to compliment those of the MFC/DMF and EMC/DWQ.

IMPROVE EFFECTIVENESS OF EXISTING RULES AND PROGRAMS PROTECTING COASTAL FISH HABITATS

Division of Coastal Management

- (1.1) Ongoing DCM signed a MOA with DMF for 2006 to provide a plane and pilot to conduct aerial enforcement flights. Several Dredge & Fill violations were detected during the routine surveillance flights, and DCM followed-up with enforcement actions. The contract with the DMF Marine Patrol has been successful and efficient.
- (1.1) New CAMA Civil Penalties. House Bill 1523 was signed into law by Governor Easley on August 10, 2006 to amend G.S. 113A-126(d) raising the civil penalty for a minor CAMA development violation from \$250 to \$1,000 and the penalty for a major development violation from \$2,500 to \$10,000.
- (1.1) New CHPP Compliance Coordinators. The General Assembly took action in the 2006-07 State budget to include four new positions in DCM to improve the Division's focus on compliance and enforcement of CAMA rules. Staff will be able to provide oversight of projects as they are being constructed. The most frequent comment from the public during the CHPP development was that current rules are not adequately enforced. This perception of slow or inadequate enforcement response portrays an image that violations go unchecked, providing an incentive for noncompliance and further violations to occur. The Compliance Coordinators will also perform proactive compliance assistance activities, such as workshops for realtors and contractors, ultimately leading to a decrease in violations.
- (1.1) Ongoing DCM is coordinating quarterly meetings with DENR agencies and the USACE to discuss projects and enforcement issues. Cooperation among agencies has been enhanced.
- (1.3) New Estuary Live Highlights CHPP. In May 2006, the NC National Estuarine Research Reserve included a segment on Estuary-Live focusing on fish habitat hosted by Anne Deaton with DMF. Ms. Deaton discussed the six habitats detailed in the CHPP, concentrating on the importance of marshes and shell bottom.
- (1.3) New The NC Coastal Reserve Program completed a "critter posters" series highlighting oysters which are geared toward elementary students.
- (1.4) Ongoing DWQ Basinwide Planners are reviewing CAMA Land Use Plans (LUPs) including: New Hanover County/Wilmington, Kure Beach, and Carteret County.

Division of Water Quality

- (1.1) Additional action: Secured EPA funding for three new regional positions, including one in the Washington Regional Office. Positions will be primarily responsible for conducting 401 Water Quality Certification compliance inspections.
- (1.1) Additional action: Secured funding from NOAA to continue inspections of coastal stormwater permit sites that are up for renewal in 2007. In addition, to help improve permit compliance, will prepare and conduct training on stormwater treatment best management practice installation and

- maintenance requirements, and develop protocols for processing permit renewals that assures site compliance prior to permit re-issuance. Project is scheduled to begin in fall 2006.
- (1.1) Provided funds to local governments for educating citizen in their jurisdictions about DWQ's Neuse and Tar-Pamlico riparian buffer rules.

Division of Marine Fisheries

- (1.1) Submitted a proposal for funding to enhance permit application review program
- (1.1) Coordinating aerial surveillance with DCM
- (1.3) Enhanced habitat web pages. In May, the Division transferred the CHPP web site responsibilities to DENR and the Office of Conservation and Community Affairs (OCCA).

Department of Environment and Natural Resources

- (1.1) Supported legislative actions to increase civil penalties for violations of CRC and EMC rules and permits
- (1.2) Received funding for continuation of cooperative university-DOT water quality monitoring in Pamlico Sound through the FERRYMON program
- (1.2) DEH received funding for three new positions from the General Assembly. One position is for GIS Data Management and the other two are for shoreline surveyors.

IDENTIFY, DESIGNATE AND PROTECT STRATEGIC HABITAT AREAS

Division of Marine Fisheries

- (2.1) The Strategic Habitat Area Advisory (SHA) Committee has reviewed the SHA selection process using the lower Chowan sub-basin and the Core-Bogue sounds area as its test regions. The process appears to be objective and understandable. The Committee will have a draft report to the MFC in the fall and complete its work by December 2006.
- (2.1) The Division's shell bottom mapping work continues, with current work in the western Pamlico Sound. The mapping staff based in Wanchese, also completed out-of-sequence mapping of all of Stumpy Point Bay to aid several DENR agencies in evaluation of a proposed DOT dredging project and a proposed community wastewater treatment project.

Division of Coastal Management

(2.1) New - Submerged Aquatic Vegetation Mapping. In addition to serving on the interagency SAV Mapping Workgroup being coordinated by the Albemarle-Pamlico National Estuary Program, Coastal Reserve staff is beginning an SAV mapping project for the Rachel Carson National Estuarine Research Reserve.

Division of Water Quality

(2.2) Ongoing - Study the Feasibility and Benefits of an SAV Mitigation Program: This project is currently ongoing as a result of the settlement agreement between DENR and DOT over the Currituck ferry incident.

ENHANCE HABITAT AND PROTECT IT FROM PHYSICAL IMPACTS

Division of Marine Fisheries

- (3.1) Work is ongoing on Pamlico Sound oyster sanctuaries with new state funding for positions and operations, including expansion of the oyster shell recycling program.
- (3.3) The MFC closed an additional 36,940 acres in the Pamlico Sound system to mechanical harvest of shellfish to protect shallow water fish habitat. The DMF closed 4,642 acres in northern Core Sound to mechanical harvest of shellfish to protect shallow water fish habitat, especially SAV.
- (3.3) Consideration is being given to closure of some SAV areas in Bogue Sound to use of mechanical harvest methods as part of preparation of the Bay Scallop FMP.
- (3.3) The MFC closed approximately 6,900 acres in Core Sound to shrimp trawling in order to protect SAV as part of the Shrimp FMP.

Division of Coastal Management

- (3.1) New Consistency of CRC Rules with DMF Oyster Reef Program. During March 2006, DCM and DMF staff reviewed the CRC's rules for consistency with the DMF's efforts to establish oyster reefs. The creation of oyster sanctuaries by DMF has not been interpreted as constituting development under CAMA and has not created any permitting issues for either agency. In addressing the specific action in the CRC/DCM CHPP Implementation Plan, the CRC's rules and policies are not causing a hindrance to this important program.
- (3.2) Ongoing Proposed beach nourishment sediment compatibility standards drafted and reviewed (Technical Standards for Beach Fill Projects: 15A NCAC 7H .0312); will go to public hearing September 21, 2006. Proposed effective date of rules is December 1, 2006.
- (3.2) New Beach and Inlet Management Plan (BIMP):
 Included in draft NOAA CZMA Section 309 5-Year Program Enhancement Strategy (2006-2011)
 being finalized based on NOAA review.
 - * A workgroup has been formed and a federal-level funding request made by the USACE to support NC efforts in developing Regional Sediment Management Planning.
 - * Developed a beach fill project database. Includes over 100 articles used in developing the sediment criteria, monitoring reports and university databases.
 - * DWR received initial funding in their capital budget (\$500,000) to partner with DCM for development of a Beach and Inlet Management Plan.
- (3.4) New CRC Estuarine Shoreline Stabilization Subcommittee. The CRC Estuarine Shoreline Stabilization Subcommittee (ESSS) met in February to review the Commission's Concepts and Principles for Estuarine Shoreline Stabilization Policy Assessment and Development. The Subcommittee also reappointed an Estuarine Shoreline Biological Processes Workgroup to develop recommendations for shoreline stabilization relative to shoreline type. The Workgroup met several times and is ranking eight preferred stabilization techniques associated with 11 shoreline types. The ESSS received an update on the progress of the Work Group at the June CRC meeting. The Workgroup hopes to finish its task before the end of 2006.

- (3.4) Ongoing Draft NOAA CZM Section 309 5-Year Program Enhancement Strategy (2006-2011) being finalized based on NOAA review. The following activities are proposed specific to the estuarine shoreline: Development of tools and methodology for estuarine shoreline delineation. An inventory of engineered structures on the estuarine shoreline in three CAMA counties (Carteret, Craven and Pamlico). Convene/staff the Estuarine Shoreline Stabilization Subcommittee review and update the Estuarine Waters of Environmental Concern AEC.
- (3.4) Ongoing CRC approved for public hearing a rule to raise permit fees for bulkheads and riprap estuarine shoreline stabilization projects sited below high water. The rule was adopted by the CRC at its June 2006 meeting.

ENHANCE AND PROTECT WATER QUALITY

Division of Marine Fisheries

(4.7) The Division is participating in the initial marina management improvements through the Multi-Slip Docking Facility work group being led by NC Sea Grant.

Division of Coastal Management

- (4.5) New Stormwater Education for Real Estate Professionals Workshops. In January and February of 2006, the NC Coastal Reserve staff hosted two workshops for realtors focusing on stormwater pollutants, the water cycle, low impact development and retrofits to existing developments. The workshops were attended by 45 real estate professionals and were held in Wilmington and New Bern in cooperation with the Craven County Cooperative Extension Service. Reserve staff also conducted two workshops, one for teachers/educators and one for teaching fellows in Manteo and Currituck. Both workshops included critical coastal habitat activities and information. Additional workshops are planned in June and September that will highlight some information found in the CHPP. In addition, CHPP implementation activities are being incorporated into student field trips and summer public field trips by focusing on habitats such as oysters and the water column represented at Coastal Reserve sites.
- (4.6) The CRC enacted a rule to establish a General Permit specifically for Ecosystem Enhancement Program mitigation projects
- (4.7) Ongoing Sea Grant Marina Advisory Group formed and meeting to discuss marina siting policies and multi-slip docking facilities (MSDF's). The group is addressing uses of multi-slip docking facilities as well as appropriate water depths for slips. Two public meetings were held in March in Wilmington and Washington to gather public comment on issues. The meetings were attended by 58 people who provided comments on the need to consider cumulative impacts of MSDF's, CAMA permit application structure, the need for property owner guidance, and stricter siting standards. The public comments will be used by the Advisory Group in the development of recommendations.

Division of Water Quality

- (4.3) Ongoing Develop an optional plan that local governments could undertake to meet multiple stormwater regulatory requirements: the Universal Stormwater Management Program (USMP) Rule. The USMP Rule went to three public hearings throughout the State, and the public comment period closed on May 15, 2006. As a result of the public comment, a proposed maximum impervious surface limit of 36% for development within 575 feet of shellfishing waters has been added to the revised rule.
- (4.4) Revision of DWQ Coastal Stormwater Rules: As a result of a DWQ survey regarding the effectiveness of the State's existing coastal stormwater rules that was presented to the EMC in October 2005, the CRC in January 2006, and the MFC in April 2006, the MFC prepared a letter to the EMC requesting the WQC/EMC to initiate rulemaking proceedings to revise these rules to make them more protective of coastal waters. In its letter, the MFC suggested some actions the EMC might consider. This letter was discussed at the July WQC meeting.

(4.8) Work with Department on reducing NPS pollution from large-scale animal operations: Proposed administrative rules for the regulation of third party animal waste applicators ("Manure Haulers") have been approved by the EMC, awaiting final approval by the RRC. The rules, as proposed, require registration and annual reporting for all "Manure Haulers" who land apply more than 100 tons of manure per year. The proposed rules also require land application at agronomic rates and set forth setbacks for land application and stockpiles.

Department of Environment and Natural Resources

(4.5) Three new water quality forester positions were established in DFR to help reduce water quality impacts from forestry operations.